

MONTY WILKINSON
Acting United States Attorney General
DAVID L. ANDERSON (CABN 149604)
United States Attorney
Northern District of California
SARA WINSLOW (DCBN 457643)
Chief, Civil Division
JULIE BIBB DAVIS (CABN 184957)¹
Assistant United States Attorney

1301 Clay Street, Suite # 340S
Oakland, CA 94612
Phone: (510) 788-3508
Fax: (510) 637-3724
julie.davis@usdoj.gov

Attorneys for the United States

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

VALERIE HOLLENBACK,

Plaintiff,

v.

MONTY WILKINSON,

Defendant.

Case No. 3:19-cv-00151-MMD-WGC

**ORDER GRANTING
UNOPPOSED REQUEST FOR
EXTENSION OF TIME PURSUANT
TO FEDERAL RULE OF CIVIL
PROCEDURE 6(b)(1)(B);
[PROPOSED] ORDER**

¹ Assistant United States Attorney Julie Bibb Davis is representing the defendant in this matter and appearing before this Court pursuant to LR IA 11-3.

Pursuant to Federal Rule of Civil Procedure 6(b)(1)(B), which permits an extension of a filing date “on motion made after the time has expired if the party failed to act because of excusable neglect”, Defendant Monty Wilkinson (Defendant), by and through his counsel, Assistant United States Attorney Julie Bibb Davis, hereby requests an extension of time to respond to *pro se* Plaintiff Valerie Hollenback’s Second Amended Complaint (SAC), which was filed on January 4, 2021. Dkt. No. 30.² Based on the filing date, Defendant’s response should have been due on January 18, 2021. *See* Fed. R. Civ. Pro. 15(a)(3). Based on a recent death in counsel for Defendant’s family, counsel for Defendant requests a filing extension until February 9, 2021. Counsel for Defendant has communicated via email with Plaintiff Hollenback, who does not object to this request.

Counsel for Defendant requests an extension until February 9, 2021 on the grounds of excusable neglect. *See* Fed. R. Civ. Pro. 6(b)(1)(B). Counsel for Defendant unexpectedly went out on family medical leave on December 21, 2020 due to the severe illness and subsequent hospitalization of a close family member (counsel’s mother) who was in the care of counsel. Counsel’s mother passed away on January 4, 2021, and counsel has since been on bereavement leave, returning to work on January 25, 2021. During this period of family medical and bereavement leave, counsel was unable to review email and as a result, overlooked the filing of Plaintiff’s SAC. Counsel for Defendant apologizes to the Court, and respectfully requests that the Court permit an extension of Defendant’s response until February 9, 2021, on the ground of excusable neglect. *See* Fed. R. Civ. Pro. 6(b)(1)(B).

Respectfully submitted,

DAVID L. ANDERSON
United States Attorney

DATED: January 26, 2021

/s/ Julie Bibb Davis
JULIE BIBB DAVIS
Assistant United States Attorney
Attorneys for Defendant

² Plaintiff’s filing is designated Third Amended Complaint on the docket, but it is the Second Amended Complaint that Plaintiff has filed.

ORDER

For good cause shown, and on the ground of excusable neglect on the part of counsel for Defendant, Defendant's unopposed request for an extension of time pursuant to Federal Rule of Civil Procedure 6(b)(1)(B) is GRANTED. Defendant's response to Dkt. No. 30 shall be due on or before February 9, 2021.

IT IS SO ORDERED.

DATED: January 27, 2021

William G. Cobb